

MIAMI-DADE COMMISSION ON ETHICS MEETING SUMMARY

APRIL 29, 2003

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Complaints

03-05: The Commission on Ethics dismissed the complaint against County Commissioner Carey-Shuler finding that probable cause did not exist to proceed. Respondent was alleged to have engaged in voting conflicts and to have exploited her official position while serving as a county commissioner and a part-time employee of the Miami-Dade County Public Schools.

03-13: Respondent Valle, a lawyer-lobbyist, stipulated to probable cause, agreed to pay a fine of \$180 and immediately file a Lobbyist Expenditure Report for unregistered lobbying and failing to timely file the annual expenditure report.

Lobbyists' Appeals

The Ethics Commission waived the fine imposed against Lobbyist Brant for his failure to file a Lobbyist Expenditure Report, finding that Brant had good cause for not timely filing his report.

The Ethics Commission granted Lobbyist Swimmer's motion for continuance.

Ethics Opinions

03-51: CRA Clarke, a structural engineering firm, is permitted to serve as a member of the design build team for the Tamiami Fire Rescue project, but may not perform any services for Bonfill and Associates related to the Fire Station if Fontincella Construction Company is awarded the contract due to the fact that CRA Clarke would be serving as both designer and inspector on the same contract.

03-58: The Commission opined that the Code of Miami-Dade County permits a political party to make a three-pack expenditure on behalf of a mayoral candidate and that a political party may make independent expenditures on behalf of a candidate as well. The Code of Miami-Dade County does not restrict the activities of political parties on behalf of mayoral candidates, concluding that state law governs and these expenditures are permissible.

03-59: Borelli and Associates and other team members may provide supplemental A&E services on the South Terminal program at MIA because the supplemental contract is an expansion and continuation of the firm's prior work and Borelli and other team members are not part of DAC or the Parsons-Odebrecht joint venture.

03-60: Perez and Perez, an architectural firm, may not provide supplemental A&E services for the South Terminal program at MIA as long as the firm serves as a subcontractor for DMJM Harris on a Port of Miami contract because the current contract with the Port creates a conflict of interest.

03-61: County Corrections Officer who wishes to contract with the county to provide landscaping, hauling and cleaning services can become a certified county contractor and contract with all county departments with the exception of the Department of Corrections. Further, the employee must receive departmental approval for outside employment and file an annual income disclosure form.

03-65: A former county employee, who worked in WASA as a Construction Pipeline Supervisor, may work as a consultant for county contractors and make routine administrative requests of the County, but he may not lobby county staff or officials on behalf of his new employer.

03-67: BND Engineers may provide supplemental A&E services on the South Terminal project at MIA as long as the work is limited to design services and the company does not perform any inspection-related services on the supplemental A&E team. The Aviation Department and Parsons-Odebrecht must oversee any work assignments received by BND from MASTEC.

03-69: A part-owner of a for-profit affordable housing consulting firm who is seeking employment with the city of Miami as a Housing Contractor Compliance Analyst in the Department of Community Development is not prohibited from accepting this position provided she neither handles the administration nor the compliance of her clients' contracts during her employment with the City.

03-70: Ideal Architectural Design, P.A. may provide supplemental A&E services on the South Terminal program at MIA because the scope of work the firm previously provided does not overlap with proposed scope of work under the supplemental A&E agreement and the firm is not affiliated with DAC and Parsons-Odebrecht, J.V.

03-71: County Commissioner, whose health insurance provider is experiencing financial difficulty, may vote on a general resolution to investigate ways to protect employees affected by the health insurance provider's financial difficulties, but he may not vote on a resolution to pay unpaid claims or provide financial assistance to the provider because the commissioner may have claims that are paid as a result of this action.

Miscellaneous

The Ethics Commission decided to hold a public hearing in the near future to examine the state of contracting at Miami International Airport by eliciting testimony from contractors and subcontractors doing business at MIA, DAC, the Aviation Department and other interested parties in an attempt to identify potential conflicts of interests, business realities and monitoring and oversight of major construction projects.